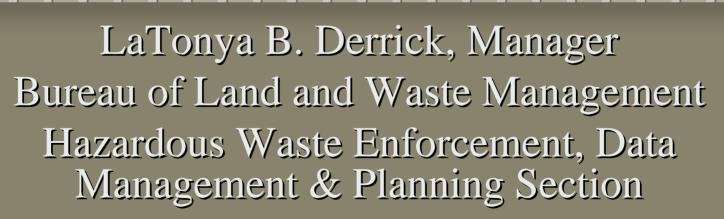
What Is Enforcement? How Will It Impact Me?









Enforcement Defined

- ◆ Set of actions taken to:
 - *Achieve compliance within the regulated community
 - *Halt situations that endanger the environment or public health







The Goals of Enforcement

- Correct violations as quickly as possible
- → Deter future violations
- ◆ Treat the regulated community fairly by addressing "like" violations similarly
- Punish serious, willful wrongdoers through penalties
- Promote fairness to those who willingly comply





Enforcement can include:

- ◆ Inspections
- → Informal/Formal Conferences
- → Negotiations
- **→** Penalties







Inspections

- Designed to assess compliance status
- Usually unannounced
- → Evidence can be collected
- ◆ "Show the Flag"







Enforcement Conferences

Informal Conference

- ♣ Invitation extended via Notice of Alleged Violation/Notice of Enforcement Conference
- ♣ Attended by person(s) authorized to make decisions on behalf of the Company as well as technical staff and/or legal counsel







Enforcement Conferences

- ♣ Information exchange between Company Representatives, Inspector(s) and other Technical Staff, and Enforcement Project Manager
- Company should expect a fair evaluation of the issues of concern







Negotiations

- Opportunity to obtain additional information and correct misinterpretations
- → Opportunity to reach a solution that satisfies all parties







Penalties

- → Monetary
- → Denial or revocation of permits or licenses
- ◆ Shutdown of Operations until compliance is achieved







Enforcement Outcomes

- ◆ No Further Action
- → Warning Letter
- Consent Order / Consent Agreement
- **→** Administrative Order







Consent Orders / Agreements

- → Legally binding, negotiable document
- → Includes:
 - Findings of Fact description of violation
 - Conclusions of Law applicable statutory and/or regulatory citation violated
 - Compliance Schedule activities designed to return company to full compliance





Administrative Orders

- ◆ Issued when an agreement on the terms of a Consent Order / Agreement cannot be reached
- ♣ Appeals before the Board of Health and Environmental Control
- Appeals before the Administrative Law Court





Questions?

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